

REMARKS

As a preliminary matter, Applicants appreciate the indication that claims 87-100 are allowed.

Claim 1 has been amended and claims 102-110 have been added. Support for the amendments is found at least on page 17 of the specification and in Figs. 1, 2, and 22.

Claims 1, 2, 4-6, 13 and 16 stand rejected under 35 U.S.C. 102(b) as being unpatentable over Martin (U.S. Patent No. 2,075,859). Applicants respectfully traverse.

Claim 1 has been amended to include the feature that "an exposed end of the record receptacle and the cap do not extend past an exposed outer surface of the vault".

None of the references disclose or suggest such an arrangement of the record receptacle and cap in a vault. Martin discloses that a plug 11 that serves as a closure for a cylinder for a container 12 extends past the end face 10 of the grave marker. See Figs. 1 and 2. Semon (U.S. Patent No. 4, 697,316) discloses a cap 30 of a tube 28 that extends past an outer surface of the casket 10. See Fig. 5. Mattis (U.S. Patent No. 6,463,703) discloses a cap 16, 26, 36, 60 and 84 and cover 104 that extends past an outer surface of the burial marker 10, memorial bench 22, and monuments 30, 44, 82 and 100. Figs. 1-5.

Claims 2, 4-6, 13 and 16 depend, directly or indirectly from claim 1. Therefore, Applicants respectfully request that the rejection to claims 1, 2, 4-6, 13 and 16 be withdrawn.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Martin. Applicants respectfully traverse.

Claim 3 depends from claim 1 as amended and therefore includes all of the features of claim 1 as amended, plus additional features. Therefore, for at least the reason discussed above with regard to claim 1, Applicants respectfully request that the rejection to claim 3 also be withdrawn.

In addition, it would not have been an obvious matter of design choice to one having ordinary skill in the art to provide the receptacle with the claimed record media that “includes information about a deceased being buried within the vault and a burial location of the vault”. Floods have been known to carry away burial vaults, and when floodwaters recede, burial vaults have been found far away from cemetery grounds, sometimes miles from the original burial site. Previously, the displaced vault would have to be opened and the remains of the deceased examined to try to determine the exact location from which the vault was moved. The claimed invention includes information about the burial location of the vault on the record media, e.g., so that the remains would not have to be removed to determine a burial location of the vault. There would be no motivation to include such information about the location of the vault with the grave marker of Martin. For example, if the grave marker and/or vault were carried away by floods, they would likely be separated so that the information contained in the grave marker would be of no use in determining the burial location of the vault. The grave marker is not disclosed as being physically connected to the vault.

Claims 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Semon (U.S. Patent No. 4,697,316). Applicants respectfully traverse.

Claims 7-9 depend from claim 1 as amended and therefore include all of the features of claim 1 as amended, plus additional features. As discussed above, Semon does not disclose or suggest “an exposed end of the record receptacle and the cap do not extend past an exposed outer surface of the vault”. Therefore, for at least the reason discussed above with regard to claim 1, Applicants respectfully request that the rejection to claims 7-9 also be withdrawn.

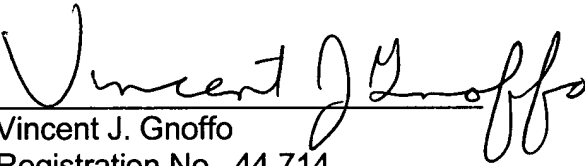
Claims 10-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Mattis (U.S. Patent No. 6,463,703). Applicants respectfully traverse.

Claims 10-12 depend from claim 1 as amended and therefore include all of the features of claim 1 as amended, plus additional features. As discussed above, Mattis does not disclose or suggest “an exposed end of the record receptacle and the cap do not extend past an exposed outer surface of the vault”. Therefore, for at least the reason discussed above with regard to claim 1, Applicants respectfully request that the rejection to claims 10-12 also be withdrawn.

New claims 102-110 include the feature of "providing a recess in the vault such that an exposed end of the record receptacle and the cap do not extend past an outermost surface of the vault". For at least this reason, Applicants respectfully request that new claims 102-110 be entered and allowed.

For all of the above reasons, Applicants respectfully request reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at the below number if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,



Vincent J. Gnoffo
Registration No. 44,714
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200